

Parking on Verges and Footways

Chiltern Local Committee

17 October 2001

contact officer: Ken Moloughney / Jim Stevens

01296 382477/ 01494 586600

1 Purpose of report

- a This report follows a request from Little Missenden Parish Council for information regarding the issue of parking on verges/footways

2 Proposed Action

- b Members of the Local Committee are invited to
 - i. NOTE the legal position as set out in this report
 - ii. CONSIDER ways in which it might be possible to raise awareness locally amongst drivers of the problems this type of parking creates for pedestrians and those with disabilities.

3 Supporting Information

- c There is no specific offence in law of parking on the pavement. However the general consensus, including within Thames Valley Police force, is that pavement parking is socially unacceptable, creating problems for legitimate users of footways/verges and damage to surfaces, kerbing and Public Utility equipment.
- d The legislation governing this subject is contained in Section 19 and 19A of the Road Traffic Act 1988 as amended. Section 19 prohibits heavy commercial vehicles from parking on verges, footways or the land between carriageways, on any urban road. There are exceptions which a driver may invoke including for loading or unloading in certain circumstances.
- e Section 19A is identical to the above except that it relates to motor vehicles other than Heavy Commercial Vehicles which of course includes motor cars and other light vehicles. Whilst the section appears in the statute it has yet to be brought into effect by Parliament and remains unenforceable.

- f Police action is therefore confined to:
- i. where the vehicles caused an obstruction – action can be considered where there is evidence of actual rather than potential obstruction or when the vehicle is unattended for long periods.
 - ii. Where traffic restrictions on waiting or stopping apply on the carriageway, their effect extends to pavements where they form part of the Highway.
 - iii. The third option is where a person “drives” on the footway. This is contrary to the Highways Act of 1835. The offence relates to **driving** and not **parking** and whilst it may be obvious that a vehicle must be driven on the footway to reach its parked position, it is necessary to give evidence of the act of driving and identify the driver to prove the offence. Since 1st August 1999 it has been possible for a police officer to issue a fixed penalty (not endorsable) if he or she witnesses it. However if a police officer does not witness the whole incident it must be dealt with in a Magistrates Court.
 - iv. It is always possible to use the direct evidence of a member of the public to prove the offence but this has two disadvantages.
 - ◆ it usually inconveniences witnesses at the time of making the complaint and providing a written statement, and later should they be called to give evidence
 - ◆ a disproportionate amount of time is spent in follow up enquiries to identify the offender. This can often involve the co-operation of officers in other force areas in conducting enquiries.
- g The Police are keen that any solutions are self enforcing, so engineering solutions ie posts, barriers, railings, raised kerbs would seem the answer. Bollards have been used in the past in some locations. However this often just moves the problem along the road and creates a maintenance liability and further obstruction to pedestrians and grass cutting machinery. Engineering measures, such as high or double height kerbing, can be very expensive to install.
- h There is no simple or easy solution to this widespread problem, which has primarily arisen over recent years due to the growth in car ownership and the limited availability of off street parking in many older residential areas.
- i Local publicity campaigns involving Parish Councils may be a way forward in raising awareness amongst drivers. The Committee may have other innovative suggestions, which Officers will be pleased to consider.